

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CHARLES G. WILLIAMS, III,)	
)	
Plaintiff)	
)	
v.)	Civil No. 04-095-P-C
)	
MAINE SUPREME)	
JUDICIAL COURT, et al,)	
)	
Defendants)	

***ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS AND
DECISION RECOMMENDING DISMISSAL OF COMPLAINT***

Charles Williams, formerly licensed to practice law in Maine, has filed a 42 U.S.C. § 1983 action against the individual justices of the Maine Supreme Judicial Court, Steven Rowe in his official capacity as the Maine Attorney General, the Board of Bar Overseers in its official capacity, and the Department of the Attorney General in its official capacity. (Docket No. 1.) He has also filed a motion to proceed in forma pauperis (Docket No. 2), which I now **GRANT**.

With respect to the substance of Williams's complaint, his two-hundred and twenty-three allegations pertain to disciplinary proceedings against Williams in the State of Maine which resulted in Williams's disbarment. Williams claims that his due process rights under the Equal Protection clause and the Fourteenth Amendment of the United States Constitution were violated during the proceeding, citing such actions as the denial of Williams's motions by the court, denial of subpoenas based on his race, and an improper choice of venue. Vis-à-vis the relief he seeks, Williams states in the body of

the complaint that the disbarment order should be declared void and not be given preclusive effect. He also alleges that he suffered damages. In his prayer for relief he asks only that the court "grant relief against the DEFENDANTS' [sic] named above."

The individual justices of the Maine Supreme Judicial Court are entitled to absolute immunity for their actions in a disbarment proceeding over which they indisputably had jurisdiction. See Bettencourt v. Bd. of Registration in Med. Com. of Mass. 904 F.2d 772, 782 (1st Cir.1990) (citing Pierson v. Ray, 386 U.S. 547, 553-54 (1966)); accord Ledbetter v. City of Topeka, 318 F.3d 1183, 1189 (10th Cir. 2003). Had Williams named the board members and bar counsel in their individual capacity he would have faced the same prohibition. See Wang v. N.H. Bd. of Registration in Med., 55 F.3d 698, 702 (1st Cir. 1995) ("Even assuming a level of malice and bad faith sufficient to poison the New Hampshire Board proceedings--contrary to the record evidence, as well as the New Hampshire Supreme Court decision--the Board members and its counsel nonetheless would be absolutely immune from suit, in their individual capacities, on section 1983 claims arising out of their respective judicial, quasi-judicial and/or prosecutorial functions, even though they acted 'maliciously and corruptly.'")(citing Imbler v. Pachtman, 424 U.S. 409, 424 (1976) and Pierson, 386 U.S. at 554).

Apropos Williams's efforts to sue Steven Rowe in his official capacity as the Maine Attorney General, the Board of Bar Overseers in its official capacity, and the Department of the Attorney General in its official capacity, any damage claims are barred by the doctrine of sovereign immunity. See Kentucky v. Graham, 473 U.S. 159, 165-67 & n.14 (1985) (claims for damages against state officer in official capacity are barred by the Eleventh Amendment); Alabama v. Pugh, 438 U.S. 781, 782 (1978) (claims against

state agency are barred by the Eleventh Amendment). And, although Ex parte Young, 209 U.S. 123 (1908), permits suits to enforce a claim of federal right by obtaining injunctive or declaratory relief against a state officer in the officer's official capacity, a plaintiff may only pursue prospective, and not retrospective, relief. Greenless v. Almond, 277 F.3d 601, 606 -07 (1st Cir. 2002) (citing Edelman v. Jordan, 415 U.S. 651 (1974)). "Under this doctrine, a federal court lacks jurisdiction to hear a case in which the plaintiff seeks retrospective and/or legal remedies." Strahan v. Coxe, 127 F.3d 155, 1667 (1st Cir. 1997).

In view of the above, sua sponte dismissal of this in forma pauperis complaint is appropriate with respect to Williams's suit. See Apple v. Glenn, 183 F.3d 477, 478 - 80 (6th Cir. 1999); Crowley Cutlery Co. v. United States, 849 F.2d 273, 277 -78 (7th Cir. 1988). For these reasons I recommend that the Court **DISMISS** this action in its entirety sua sponte.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

May 12, 2004.

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge

WILLIAMS v. MAINE SUPREME JUDICIAL
COURT INDIVIDUAL JUSTICES et al

Assigned to: JUDGE GENE CARTER

Referred to:

Demand: \$

Lead Docket: None

Related Cases: None

Case in other court: None

Cause: 42:1983 Civil Rights Act

Date Filed: 05/10/04

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights:

Other

Jurisdiction: Federal Question

Plaintiff

CHARLES G WILLIAMS, III

represented by **CHARLES G WILLIAMS, III**

115 JOHN DUNN MEMORIAL

DRIVE

1A

ROCKLAND, MA 02370

PRO SE

V.

Defendant

**MAINE SUPREME JUDICIAL
COURT INDIVIDUAL
JUSTICES**

**G STEVEN ROWE, in his
official capacity Maine Attorney
General**

**BOARD OF BAR
OVERSEERS, as an
administrative agency and body it
is official capacity**

**DEPARTMENT OF
ATTORNEY GENERAL, as an
administrative agency in its
official capacity**